

Women's Rights in China and Government Implementation of 2014 UPR Recommendations

1. The Chinese government has made public pledges and taken some steps in legislation to protect women's rights and promote gender equality. In its bid for membership on the Human Rights Council in 2013, the government promised to eliminate gender discrimination in employment.¹ The State acknowledged in its 2014 report to CEDAW that China still faces problems and challenges in eliminating gender discrimination in many aspects of life.² In its National Human Rights Action Plan (2012-2015), the government promised to “make efforts to eliminate gender discrimination in employment and realize equal payment for men and women doing the same work.” However, in its June 2016 assessment of the Action Plan's implementation, it provided no evidence of having taken any concrete actions to reach the target.³ The World Economic Forum's Global Gender Gap Report in 2017 ranked China 100th in terms of gender inequality among 144 countries (1 = full equality).⁴

2. In this report, we assess the implementation of the 2013 UPR recommendations concerning women's rights, i.e., 186.84 (Central African Republic), 88 (Palestine), 91 (Moldova), 92 (Bolivia), 93 (Eritrea), 95 (Moldova), 96 (Romania), 97 (Mali), 98 (Botswana), 135 (Egypt), and 177 (Iceland).⁵ China accepted all 11 recommendations and claimed that 5 of them had already been implemented (186.88, 92, 96, 97 & 98) and one of them was being implemented (186.177). We also report on concerning developments in the situation of women's rights in China since the 2013 UPR.

3. ***Based on this report's analyses, we urge governments of UN state parties to recommend China during the 2018 UPR to***
 - Guarantee gender equality and eradicate stereotypes regarding the roles and responsibilities of women in society;
 - Adopt a comprehensive law on discrimination that defines gender discrimination in line with the UN Convention on the Elimination of All Forms of Discrimination against Women;
 - Eliminate gender discrimination in employment, including in the relevant laws and regulations, which must be accompanied by appropriate enforcement mechanisms, sanctions, and dispute resolution procedures;
 - Amend the Anti-Domestic Violence Law to fully apply to all types of relationships;
 - Amend the Criminal Law to hold all offenders—sellers and buyers—involved in female trafficking into all types of exploitation and servitude criminally accountable, and abolish state birth-control measures that contribute to trafficking in women and children.

- Ensure that women have effective access to justice, including women involved in land claims, by providing legal aid and supporting women's rights NGOs;
- Establish independence of the judiciary by preventing government and ruling party interferences, and guarantee that all disputes involving the human rights of women are handled in accordance with the rule of law;
- To adopt concrete measures to promote women's full and equal participation in political and public life and accelerate women's full and equal participation in elected and appointed bodies;
- To thoroughly investigate allegations of violence and abuse against women who stand for election as independent candidates and ensure that the perpetrators are prosecuted and adequately punished;
- To adopt specific measures to promote and facilitate the participation of ethnic and religious minority women and end violations of their freedom of religion.

Weak Laws & Lack of Effective Measures to Combat Employment Discrimination

4. China's legal framework for protecting women's right to equal pay for equal employment remains inadequate, and measures to effectively implement these laws have fallen far short. In responding to Bolivia (186.92) and Iceland's (186.177) recommendations on eliminating gender discrimination in employment and guarantee equal pay for equal work, the government claimed that it had "already implemented" Bolivia's recommendation and Iceland's was "being implemented." The government then made a sweeping and unrealistic statement that "there is no gender discrimination" in China.⁶ The government instead pointed to existing legislation, though it provided no evidence that these laws are implemented or women enjoy equal employment rights.
5. In the Chinese Constitution, there is a provision on equal pay for equal work (Article 48) and the principle is included in the Law on the Protection of the Rights and Interests of Women (Article 23), but there is no separate and specific legislation on the principle, an issue CEDAW raised in 2014.⁷ The lack of full legislation on the issue means the problem has persisted, and pay disparity has been worsening.
6. The World Economic Forum's 2017 Gender Gap Report found that women in China earn 64 percent of what men earn, showing a small decrease in wage equality for similar work.⁸ The number went down 1% from 2015.⁹ According to a January 2015 report released by a Chinese university, 19 percent of women responded that they believed men received higher pay for equal work, and 33 percent of respondents believed that men were more frequently considered for promotion even if a female employee had equal qualifications. The report also indicated that 61 percent of female graduates and 29.14 percent of all working-age women faced gender discrimination while looking for a job in 2014.¹⁰
7. China's Labor Law, Law on the Protection of Rights and Interests of Women, and Law on Promotion of Employment formally guarantee equal rights of women, but they fail to

provide a clear definition of discrimination, and contain discriminatory provisions—for instance, those that authorize the state to decide on the “suitability” of types of employment for women.¹¹ Chinese law prohibits women from working in certain types of employment involving physical labor or under certain conditions when they are menstruating.¹² China’s National Program for Women’s Development (2011-2020) also promotes the concept of legally proscribed “unsuitable” positions for women.¹³

8. Existing laws and regulations also fail to establish mechanisms to seek legal accountability from those who violate the laws. The Promotion of Employment Law provides that an employee can file a lawsuit in court over discriminatory practices (Article 62), but there are no specific stipulations establishing an administrative supervisory body to prevent employers from retaliating against those who filed complaints about discrimination. In March 2016, the Ministry of Education released a notice reminding universities not to distribute companies’ hiring advertisements that contain gender discriminatory qualifications.¹⁴ However, the notice fails to provide guidelines for universities to report companies that issue such discriminatory job ads.
9. In 2015, a group of students set up an organization that reported 244 companies on suspicion of gender discrimination to the labor supervision authorities, but none of the companies was investigated by the relevant government department.¹⁵ There have been only a handful of court cases on gender discrimination and the first ever gender discrimination lawsuit was settled out of court in 2014.¹⁶ While several subsequent cases were ruled by courts in favor of the plaintiffs, the courts only penalized the employers with small fines.¹⁷ The light punishments are unlikely to deter employers in China from continuing discriminatory practices.
10. Persistent stereotypical portrayal of women’s roles in society underlies many problems, including that of discriminatory hiring and employment practices. For example, schools and government sponsored social programs in China have in recent years promoted so-called “women’s morality education.”¹⁸ In November 2014, CEDAW expressed its concerns over the “persistence of deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society,” and recommended the government allow an independent body to monitor its efforts to eliminate gender stereotypes.¹⁹ For the 2013 UPR, China “accepted” the recommendation by Moldova (91)—to eradicate stereotypes of the role of women—but the government has not taken concrete steps in implementing it.
11. UN independent experts have continued to raise the issue of gender discrimination in employment in China. The Working Group on the issue of discrimination against women in law and in practice, in a report on its visit to China in December 2013, highlighted its concern about the continued discrimination against women in “recruitment, wages, and dismissals.”²⁰ In June 2014, CESCR called on China to take concrete measures to eliminate the disparity between men and women in employment.²¹ In November of the same year, CEDAW recommended China “provide dispute resolution mechanisms for women who seek justice for discrimination in employment.”²² CEDAW also called on China to enact a comprehensive definition of discrimination against women in law to

combat this systematic and structural problem.²³ None of these recommendations have been implemented.

New Anti-Domestic Violence Law Fails to Provide Adequate Protections

12. Domestic violence is very common in China. Approximately 25 percent of married women experience violence at some point, according to numbers provided by the government in 2011.²⁴ China took a step forward by adopting its first Anti-Domestic Violence Law in December 2015 and enacting it in March 2016 after decades of advocacy for such legislation by women's rights activists and academics.²⁵ One positive element is that the law clearly defines domestic violence to include mental abuse (Article 2). But the law has several serious flaws. Based on the assessment below, we consider that the UPR recommendation by Moldova (186.95) to adopt a comprehensive law for combatting domestic violence has been *partially implemented*.
13. The law sets out principles for preventing and combating violence, but it lacks operability and does not provide effective protection for victims. The law makes it clear that "the state prohibits domestic violence in any form" (Article 3), establishing the state's (not just families' or society's) responsibility and victims have a right to state protection from domestic violence. It expanded the scope to include psychological violence and cover unmarried cohabitants in the same household.²⁶ However, as Chinese women's rights NGOs point out, the law does not explicitly mention sexual violence and does not cover LGBT relationships.²⁷ The law also does not cover estranged or divorced couples.
14. The ADV law authorizes a set of measures to prevent, halt, or penalize perpetrators of, domestic violence, including personal safety protection orders and a written warning system aimed at protecting victims (Article 29). The first protection orders were issued in September 2016.²⁸ However, the law stipulates that the orders are enforced by the local courts and fails to recognize the collective responsibility and the role of police, medical facilities, legal aid, and residential or village self-governing bodies (Article 32).²⁹ The law also fails to prescribe clear, specific and operable procedures and legal responsibilities for the measure of mandatory reporting and advanced warning system. Penalty for violating the protective orders is also rather light (Article 34).³⁰
15. China's law-enforcement officers and judicial personnel need training and the government need to allocate resources to build shelters.³¹ The report based on field work conducted in 2016-17 by several non-government women's rights organizations in China found that, compared to the prevalence of domestic violence and serious needs by victims, there were very few shelters and consequently very few victims would seek shelter in the 1st year after the law went into effect and there was significant regional disparity.³²
16. The new law does not include measures recommended by treaty bodies. In 2014, CESCR recommended that China provide victims adequate access to shelters for immediate physical protection, legal aid and medical services.³³ Also in 2014, CEDAW recommended adequately equipped shelters be made available and called on the

government to “effectively investigate complaints, prosecute acts of violence against women, and adequately punish perpetrators.”³⁴

Population Policy & Defective Law Fail to Deter Trafficking in Women

17. There continue to be reports that females, including both women and girls, are trafficked both domestically and across borders for the purposes of sexual exploitation, forced marriage, illegal adoption, and forced labor. The government acknowledged the severity of this problem by announcing an Action Plan for Fighting Human Trafficking (2013-2020) in March 2013.³⁵ In 2014, CEDAW welcomed this Plan, but expressed concerns “about the absence of comprehensive anti-trafficking legislation and a lack of clarity as to whether domestic law criminalizes all forms of trafficking, including trafficking for the purpose of sexual exploitation, forced labour, forced marriage and illegal adoption.”³⁶ In 2017, the US State Department’s annual report on trafficking in persons finds that “China is a source, destination, and transit country for men, women, and children subjected to forced labor and sex trafficking. China’s internal migrant population, estimated to exceed 180 million people, is vulnerable to trafficking,” and concludes that the Chinese government “does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so.”³⁷
18. The Chinese government’s Action Plan for fighting trafficking fails to acknowledge a major consequence of the government’s birth control policy—severe gender imbalance, which has major impacts on the trafficking of females. A shortage of females in China’s demography in recent years, in relation to males, has contributed to trafficking of women for forced marriage. While family-planning policies have been relaxed—to allow for two births per married couple in general, as of January 2016—the existence of state-mandated restriction on the number of children still makes girls vulnerable to abandonment and trafficking. The State’s birth control policy has led to gender-selective abortion or abandonment of female infants and has deterred parents from reporting cases of missing children to authorities for fear of penalties for breaking the birth control policy.³⁸ In 2017, China “remains the world’s lowest ranked country with regard to the gender gap in its sex ratio at birth,” according to the World Economic Forum’s 2017 Global Gender Gap Report.³⁹
19. Legislative changes made to China’s Criminal Law (CL) neither fully comply with international standards nor effectively combat human trafficking. Article 240 in the CL, which was revised in 2011,⁴⁰ punishes trafficking in women, but still does not explicitly criminalize trafficking for the exploitative purposes of forced labor, debt bondage, or involuntary servitude, which are often the conditions of women trafficked into the sex industry; and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, to which China is a party, prohibits these types of human trafficking, indicating that China does not apply the international definition of human trafficking.⁴¹ Furthermore, while traffickers can and do face criminal punishment in China,⁴² purchasers of trafficked victims are not held legally accountable under this law.⁴³ The government reported fewer investigated trafficking cases and fewer convictions of traffickers in 2016 than in 2015.⁴⁴ However, such numbers are likely

screwed due to China's broader definition of human trafficking than the international definition, whereas the Chinese definition may include human smuggling, child abduction, forced marriage, and fraudulent adoptions.

20. The government did not provide sufficient data for assessing the number of victims its services assisted and to what extent the victims actually accessed any physical and psychological rehabilitation services, though the government claims that it had “accepted and already implemented” the UPR recommendation about access to such services by Mali (186.97). The Chinese government reported opening shelters for trafficking victims and multi-purpose shelters available, but it has not provided data on the number of women trafficking victims who have received any such “rehabilitative or legal services,” or the number of victims who have accessed shelters with such services. Psychological health services for such victims are believed to be inadequate, and the accessibility and effectiveness of other services, including for vocational training, remain unclear.⁴⁵

Suppression of civil society groups providing legal aid and other services to women

21. Counter to claims made by the government, China has not “supported non-governmental organizations or their efforts to provide legal aid services to women.”⁴⁶ The government reported its support to groups through a “public interest lottery legal aid fund,” but the State-run All China Women's Federation selects groups to benefit from the funds.⁴⁷ In the past few years, Chinese authorities have shut down or harassed organizations that work independently to advocate women's rights or provide services.⁴⁸ NGOs affected included those that provided services and advocated for rural women's land rights, women's political participation, and elimination of gender discrimination in education and the workplace.⁴⁹
22. Since 2014, the government has suppressed with greater intensity women's rights advocates,⁵⁰ including female NGO personnel. In March 2015, authorities criminally detained five Chinese feminists and women's rights activists who had planned to raise awareness about sexual harassment on public transportation by distributing stickers and pamphlets on March 8, International Women's Day. The women—Li Tingting (李婷婷), Wang Man (王曼), Wei Tingting (韦婷婷), Wu Rongrong (武嵘嵘), and Zheng Churan (郑楚然)—were associated with independent groups focusing on women's rights and LGBTQ rights. After a domestic and international outcry, the women were let go in early April 2015, on “bail awaiting further investigation.” The case of the “Five Feminists” marked a new level of government intolerance for groups working on women's rights. Though bail conditions were lifted on these five activists in the spring of 2016, they have continued to be subjected to police surveillance and harassment,⁵¹ as have other women's rights advocates.
23. At the same time, authorities raided the office of a group with which some of the women were affiliated—the Beijing Yirenping Center, a public health and anti-discrimination NGO, whose operations have since been drastically reduced. In May 2015, police forced the closure of the Weizhiming Women's Center in Hangzhou. Weizhiming, which had

run campaigns against gender discrimination in the labor market, violence against women, and sexual harassment on public transport.⁵²

24. Two new laws in China—the Charity Law (adopted March 2016) and the Overseas NGO Domestic Activities Management Law (adopted April 2016)—have placed severe limitations on the operations of Chinese NGOs, potentially including those that have provided legal aid and other services to victims of domestic violence or trafficking. The two laws have tightened rules about raising funding and seeking other forms of operational support, thus weakening or eliminating some groups’ capacities. Under the Charity Law, tighter restrictions on overseas funding of civil society groups have led to the closure of some legal aid institutions. Already under threat from authorities even before these laws went into effect, a Chinese foundation, which had provided travel funding for lawyers who provide legal aid, closed its doors in March 2016.⁵³

Failure to effectively promote women’s participation and leadership in political and public life

25. China has largely failed to “accelerate women’s full and equal participation in elected and appointed bodies,” and thus has not implemented such a recommendation by CEDAW (2014). Although the government said in its 2016 follow-up report to CEDAW that it has “actively implemented quotas and other temporary special measures in order to promote women’s participation in politics,”⁵⁴ the government has not promoted women’s participation and equal role in decision-making bodies. The government follow-up report stated that, in 2015, 51.9 percent of the people working for the national government were women, but it did not provide data and it is unclear how many of these women were in decision-making roles.
26. Since 2014, Chinese authorities have not amended laws to promote participation by women in legislative bodies at both national and local levels. In 2015, authorities revised China’s Election Law, which regulates people’s congress elections, but the relevant stipulations lack specific and measurable targets for women delegates. Instead, it states the vague goal that “[a]mong the deputies to the National People’s Congress and local people’s congresses at various levels, there shall be an *appropriate number* of women deputies, and the proportion thereof shall be *raised gradually*.”⁵⁵
27. Women remain seriously underrepresented, especially at the highest levels of CCP and government leadership, as China has consistently failed to meet the 30 percent goal for women’s political participation, which was set by States in the 1995 Beijing Declaration and Platform for Action and reiterated in China’s 2011-2020 Women’s Development Program.⁵⁶ As of August 2017, there are only two female heads of the 25 ministry-level agencies⁵⁷ and no women provincial-level CCP secretaries. There has never been a woman on the Communist Party Politburo Standing Committee (the highest-level of CCP decision making body). The current 25-member Party Politburo (the second-highest body) selected at the 19th CCP Congress has only one woman. The Central Committee (the third-highest body) has 204 members, only 9 of them are women, a decrease from ratio of female members on the previous Central Committee (8.8 percent).⁵⁸

28. Women are also underrepresented in China’s national-level legislative and advisory bodies. The percentage of women in the National People’s Congress (NPC) has hovered around 21 percent since the late 1970s, according to Chinese government data.⁵⁹ Currently, in the 12th NPC (2013-2018), women delegates hold 23.4 percent of the seats and 15.5 percent of the NPC Standing Committee positions. The percentage of women in the advisory body, the Chinese People’s Political Consultative Conference (CPPCC), is even lower; women hold just 17.8 percent of the total seats, and only 11.8 percent of the CPPCC Standing Committee positions.⁶⁰ Moreover, the 12th NPC’s “decision” on representation⁶¹ merely states that the “proportion of women representatives” in the next NPC (2018-2023) “*will be higher* than in the previous National People’s Congress.”⁶²
29. At the local levels, female representation on village committees has been far below that of males, and official goals, set rather low, are still not met. China’s Organizational Law on Villagers Committees stipulates that these committees “should” have women members, and that women “should” make up at least one-third of the total number of committee representatives.⁶³ Currently, the percentage of women in village committees falls short of these targets, and has not changed substantially since the early 1990s. According to government data, in 2014, the national average percentage of women on village committees was 22.8 percent, an increase of just 1.8 percent from 1993.⁶⁴ Reports by independent election watchers in China note that, in violation of the standards prescribed in law and policies, some village committees have no women representatives at all.⁶⁵ In China’s most recent Human Rights Action Plan, issued in 2016, the government had pledged that, by 2020, female members “should” make up 10 percent or more of village committee chairpersons and 30 percent or more of the total number of committee members.⁶⁶ However, it is unclear what measures the government is taking to reach these targets.
30. In addition, the practice of women taking stereotypically gender-specific roles in public offices or political positions remains pervasive. As one CPPCC delegate once noted that women on village committees mostly focus on issues related to family planning.⁶⁷ Women tend to have large representation on urban neighborhood residential committees.⁶⁸ In 2014, women occupied 48.9 percent of positions in neighborhood residential committees.⁶⁹ However, the duties of these committees, such as mediating family disputes, watching out for local police, and carrying out government propaganda, are not politically significant, and committee members tend to be elderly retired women who receive small stipends from the government for serving on these committees.⁷⁰

Failure to promote and facilitate political participation and to protect rights of ethnic and religious minority women

Ethnic minority women’s political participation

31. The Chinese government has not “safeguarded the rights of ethnic minority women to participate in and manage State and social affairs,”⁷¹ as it claimed that it did in its 2016 follow-up report to CEDAW. The government has failed to promote and facilitate the political participation of ethnic and religious minority women, and has thus not

implemented the CEDAW's 2014 recommendation. In the Tibet Autonomous Region (TAR), authorities interfered with village and People's Congress elections on both political and religious grounds. For example, in 2014, CCP authorities in Ngari Prefecture drew up strict rules for eligibility for individuals to become village committee candidates. The provisions specified that candidates must be "politically trustworthy" (i.e., loyal to the CCP) and excluded individuals who had attended religious gatherings abroad organized by the Dalai Lama, or those who had "overseas connections" or even "communicated overseas."⁷² Moreover, Tibetan women face barriers to even becoming CCP cadres; according to an ethnic Tibetan activist interviewed, some villages with a high concentration of Tibetans do not have even one Tibetan woman serving as a Party cadre.⁷³

32. Ethnic minority women are severely underrepresented on the highest levels of CCP and government leadership in China's five ethnic minority autonomous regions. On the regional level, the Xinjiang Uyghur Autonomous Region (XUAR) and the Guangxi Zhuang Autonomous Region do not have a single ethnic minority female serving as a chairperson or vice chairperson, nor as a CCP secretary or vice secretary. The Inner Mongolia Autonomous Region has two ethnic Mongolian women in the regional government (of nine total chairs and vice chairs) and one ethnic Mongolian woman on its CCP Standing Committee (of 13 members). The Ningxia Hui Autonomous Regional Government has one ethnic Hui chairwomen (of eight total chairs and vice chairs) and one ethnic Hui female vice secretary on its CCP Standing Committee (of 12 members). The TAR Government has one ethnic Tibetan women among its 14 total chairs and vice chairs.⁷⁴
33. The Chinese government did not provide information and it is difficult to assess the government's efforts, if any, to increase ethnic minority women's political participation. Specifically, the lack of data and transparency, including information about the results of local elections in China, makes it difficult to measure minority women's political participation.⁷⁵ While ethnic minority women are known to have been elected as local People's Congress representatives, researchers in China found that the government did not publicly release election results disaggregated by both candidates' ethnicity and gender. According to one researcher, academic studies in China focusing on local elections also do not include disaggregated data because of government opacity. Some observers believe that the apparent absence of public information may partly be due to the "political sensitivity" of ethnic minority issues, noting that even searching for such data could present personal risks.⁷⁶

Violations of religious and expression rights of ethnic minority women

34. The Chinese government has continued to deprive ethnic minority women's right to freedom of religion or belief, especially in the TAR (and other parts of western China) and in Xinjiang. On both regional and national levels, authorities have enacted laws and regulations that target religious freedoms on ethnic grounds. For example, though Article 27 of the National Security Law (July 2015) states that the government protects freedom of religion, the law also includes provisions on restricting and criminalizing religious or

other spiritual practice, such as by “punishing the exploitation of religion to conduct illegal and criminal activities” and “maintaining the normal order of religious activities.”⁷⁷

35. As part of the government’s “anti-terror” propaganda campaign against “Islamic extremism” in the XUAR, officials across the region have standardized and expanded regulations on youth and children’s participation in religious life, after rules had been previously enforced only in certain locations. Regulations promulgated in November 2016 allow police in Xinjiang to jail people for “encouraging” or “forcing” youth to take part in religious activities.⁷⁸ These rules supplement regulations put in place in specific prefectures in Xinjiang in October 2014, which already had restricted young Muslims’ religious practices and prescribed detention for adults who brought Islamic religious materials home for their children.⁷⁹ In addition, China’s Counter-Terrorism Law (adopted December 2015)⁸⁰ further criminalizes peaceful activities of Uyghurs and Tibetans by criminalizing members of these ethnic minorities on charges related to “terrorism.”⁸¹
36. The government has subjected Muslim women, particularly in the XUAR, to legal restrictions on their religious practice and cultural customs. Regulations that went into effect on April 1, 2017, prohibit the “wearing or forcing others to wear full-face coverings.”⁸² In Urumqi, officials had implemented a similar directive in 2015 to ban full-face and full-body coverings in all public places.⁸³ In March 2015, a Xinjiang court sentenced a woman in Kashgar City to two years in prison for wearing a face-covering veil.⁸⁴ International media reported in September 2017 that a Uyghur woman had received a 10-year prison sentence in Xinjiang, a punishment apparently related to an allegation that she encouraged fellow Muslim women to wear headscarves.⁸⁵
37. In addition, Muslim women face restricted freedom of movement both inside China and traveling abroad. China asserted that the government “has safeguarded the right of Muslim women to participate equally in pilgrimage activities.”⁸⁶ But Muslim women’s freedom of movement for such trips is still restricted, partly because pilgrimage trips are now organized, controlled and monitored by government authorities.⁸⁷ Since 2015, the Chinese government also has reportedly pressured governments of other countries, such as Thailand and Egypt, into forcibly deporting hundreds of Uyghurs to China. Many of these Uyghurs, including women and children, had left the country to seek asylum or refugee status in order to escape religious and ethnic persecution.⁸⁸
38. As the Chinese government has tightened its policing of free expression, including via online communications,⁸⁹ disseminating information about Islam via cyberspace can be grounds for criminal punishment. In one case, a Uyghur Muslim woman was detained in May 2017, for allegedly “sharing extreme religious ideology,” after she posted text and imagery on social media praising Allah.⁹⁰
39. In recent years, authorities have intensified CCP control over religious and political institutions in the TAR and other Tibetan areas. Government regulations have mandated that CCP authorities oversee and make decisions on the operations and administration of Tibetan Buddhist monasteries in order to protect “security” in Tibetan areas and achieve

“harmony” in monasteries.⁹¹ This control system further impinges upon the rights of Tibetans to freedom of religion and association.⁹² By 2013, the government had placed tens of thousands of CCP cadres to villages, nunneries, and monasteries in the region.⁹³ CCP and government officials removed some ethnic Tibetans from management committees in nunneries and monasteries, replacing them with government and CCP appointees, and demanded that nuns and monks “demonstrate their support” for the CCP.⁹⁴ Since the summer of 2016, nuns have been among a large number of religious students and staff expelled by CCP authorities from Tibetan Buddhist academies and ordered to participate in “patriotic re-education.”⁹⁵

40. Chinese authorities have continued to detain and imprison Tibetan nuns and laywomen, with the majority of them persecuted in violation of their rights to freedom of religion and expression. According to data collected by a human rights NGO that focuses on ethnic Tibetans, at least 232 female Tibetans, including 133 nuns, were in detention centers or prisons, as of August 15, 2017.⁹⁶ Most have been charged with crimes related to “endangering state security,” “leaking state secrets,” and “intentional injury,” a charge tied to self-immolation. The government also criminalizes Tibetans’ mere possession of the Dalai Lama’s teachings or images, or for praying for his longevity.⁹⁷ In an example of how such acts are punished, two laywomen were among nine Tibetans given long prison sentences on December 6, 2016, reportedly in connection with a picnic held in July 2015 to celebrate the Dalai Lama’s birthday in Ngaba Tibetan and Qiang Autonomous Prefecture in Sichuan Province. The women, Bhonkho Kyi and Tarey Kyi, were sentenced to seven and eight years, respectively, convicted of “inciting separatism,” after they had been held incommunicado for months.⁹⁸

Endnotes:

¹ The government said it would: “Further guaranteeing the rights to employment and economic resources, and equal participation in State and social affairs by minority ethnic groups, women and other special groups.” UN General Assembly, “Note verbale dated 5 June 2013 from the Permanent Mission of China to the United Nations addressed to the President of the General Assembly,” A/68/90.

² The government wrote in the state report: “Discrimination against women still exists in society; relevant laws are yet to be fully implemented in reality; women are not represented in significant numbers at senior levels of decision-making; women are still subjected to unequal treatment in village rules and customs in some rural areas in terms of resource allocation and benefits-sharing; many rural women’s job skills need to be further enhanced; women’s health services in remote areas need further improvement; violence against women still occurs; and there are still some women living in poverty.” Combined Seventh and Eighth Periodic Report of States Parties China to the Committee on the Elimination of Discrimination against Women, 2012, CEDAW/C/CHN/7-8, para. 52.

³ Information Office of the State Council of the People’s Republic of China, National Human Rights Action Plan (2012-2015), Chap. III, Sec 2., <http://www.china-un.ch/eng/rqrd/jblc/t953936.htm>; In the assessment, no mention was made of improvements on gender discrimination or for equal pay for equal work. Instead, the government claimed, “Women enjoy the equal right with men to employment” and cited as evidence that certain public servants have same age retirement levels as women and men, and that women account for 44.8 percent of all people employed in the country. Information Office of the State Council, Assessment Report on the Implementation of the National Human Rights Action Plan of China (2012-2015), June 2016, Chap. IV, Sec. 2, http://english.gov.cn/archive/white_paper/2016/06/15/content_281475372197438.htm.

⁴ World Economic Forum, “The Global Gender Gap Report 2017, p. 11 http://www3.weforum.org/docs/WEF_GGGR_2017.pdf.

⁵ There were two “poor” recommendations made in the area of women’s rights. Eritrea recommended that China “further expand and consolidate achievements made in promoting women’s rights and well-being in tandem with its policy and practice of protecting and promoting human dignity” (93). We regard this recommendation as “poor” because it assumes the existence of certain “achievements,” both as a matter of “policy and practice,” in “protecting and promoting human dignity.” In the absence of such achievements, judging by both the government’s admission to CEDAW and the “concluding observations” of CEDAW’s recent review, it makes little sense to ask the state to “expand” and “consolidate” them. In addition, Egypt recommended that China “maintain its effective protection for the family as the fundamental and natural unit of society” (135). This recommendation is “poor” since it contains a problematic presumption, namely that China has “effective protection” for the family. In fact, current laws and practices are not “effective” and do not provide adequate protection.

⁶ China’s reply to 186.92: “China’s Labour Law, Law on the Promotion of Employment, Law on the Protection of the Rights and Interests of Women and other laws establish the principles of prohibiting gender discrimination in employment and equal pay for equal work for men and women, clearly stipulate that equal pay for equal work and post-based wage system are applied in China. There is no gender discrimination. In practice, China actively protects women’s rights and interests of employment.” UN Human Rights Council, “Report of the Working Group on the Universal Periodic Review: China. Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review,” A/HRC/25/5/Add.1. February 27, 2014.

⁷ Committee on the Elimination of Discrimination against Women (CEDAW), Concluding observations on the combined seventh and eighth periodic reports of China, CEDAW/C/CHN/CO/7-8, November 2014, paras. 36-37.

⁸ World Economic Forum, “The Global Gender Gap Report 2017, p. 120 http://www3.weforum.org/docs/WEF_GGGR_2017.pdf.

⁹ World Economic Forum, “The Global Gender Gap Report 2015: China,” November 18, 2015, <http://reports.weforum.org/global-gender-gap-report-2015/economies/#economy=CHN>.

¹⁰ Anhui University News Department, “Research Center for Economic Law Releases ‘China Female Employment Discrimination Research Report’” (经济法制研究中心发布《我国女性就业歧视问题调研报告》), January 12, 2015, <http://ahnews.ahu.edu.cn/n/2015-01-12/290371.shtml>.

¹¹ For example, the three laws cited in the government’s response to Bolivia’s recommendation all contain a variation of this provision, which is discriminatory: “When an employing unit recruits persons, it shall not refuse to employ women or raise recruitment standards for females by using gender as an excuse, except where the types of work or posts are not suitable for

women as prescribed by the State.” Article 27, Law on Promotion of Employment of the People’s Republic of China (2008), http://www.npc.gov.cn/englishnpc/Law/2009-02/20/content_1471590.htm; Article 23, Law on the Protection of Rights and Interests of Women of the People’s Republic of China, 1992, amended 2005, <http://www.china.org.cn/english/government/207405.htm>; Article 13, Labor Law of the People’s Republic of China, 1995, http://www.china.org.cn/living_in_china/abc/2009-07/15/content_18140508.htm.

¹² Women are prohibited from working in underground mining jobs, jobs involving physical labor at Grade 4 or above, or work that requires lifting 20 kilograms at least six times an hour, or any job that requires lifting 25 or more kilograms. Women who are menstruating are prohibited from working jobs in high altitudes, low temperatures, and cold water, or that involve physical labor. State Council of the People’s Republic of China, “Special Rules on the Labour Protection of Female Employees” (女职工劳动保护特别规定), April 18, 2012, http://www.gov.cn/zwqk/2012-05/07/content_2131567.htm.

¹³ China National Program for Women's Development (2011-2020), <http://www.womenofchina.cn/womenofchina/html/source/1502/998-1.htm>.

¹⁴ Ministry of Education, “General Office of the Ministry of Education Notice Concerning Launch of Nationwide Common University Graduate Seeking Employment Service Work” (教育部办公厅关于开展全国普通高校毕业生精准就业服务工作的通知), March 17, 2016, http://www.moe.gov.cn/srcsite/A15/s3265/201604/t20160401_236231.html.

¹⁵ See the *weibo* account of the Employment Sex Discrimination Monitor Group (就业性别歧视监察大队), http://weibo.com/u/5327831786?refer_flag=1005055013_&is_all=1.

¹⁶ In Beijing, Cao Ju settled out of court in January 2014 with a tutoring company for 30,000 RMB (approx. 4,366 USD) after her application was turned down because she was not a man. Tania Branigan, “China: woman settles in first gender discrimination lawsuit,” *The Guardian*, January 28, 2014, <https://www.theguardian.com/world/2014/jan/28/china-woman-settles-first-gender-discrimination-lawsuit>.

¹⁷ The latest case is Gao Xiao, who won a case against the Guangdong Huishijia Economic Development Company, which owns a seafood restaurant, and was awarded 2,000 RMB (approx. 291 USD) in compensation in April 2016. She appealed, and the Guangzhou Intermediate People’s Court upheld the original compensation amount, but demanded the company issue a written apology. *Guangzhou Daily*, “Female cook wins lawsuit over gender discrimination in Guangzhou” (粤女厨师应聘遭性别歧视状告酒楼获胜诉), September 22, 2016, [http://gd.sina.com.cn/news/m/2016-09-22/detail-ixwevmc5124698.shtml?from=](http://gd.sina.com.cn/news/m/2016-09-22/detail-ixwevmc5124698.shtml?from=;); In Hangzhou in November 2014, Huang Rong won her case against a cooking school, but was only awarded 2,000 RMB (approx. 291 USD) for “psychological pain.” She later sued again, demanding an apology from the company for discriminating against her because of her gender. Liu Jiaying, “Court Backs Woman Who Sued Cooking School over Employment Bias,” *Caixin*, November 14, 2014, <http://english.caixin.com/2014-11-14/100751283.html>; A women successfully sued China Post over firing her from a courier position because of her gender, the first such case against a State-owned company. *Xinhua News Agency*, “Female Graduate Wins Employment Discrimination Case” (女大学生打赢就业歧视官司), November 3, 2015, http://news.xinhuanet.com/local/2015-11/03/c_128386181.htm.

¹⁸ A search in Chinese for “女德班” (*nüdeban*) brings up many results for these classes. See also, a first-hand account from a woman who attended such a class: Women’s Discussion, “” (东莞女德班: 不变贤妻不回家), <http://zhenhua.163.com/14/0610/19/9UDEGJR8000465TT.html>; Zhang Yiqian, “Commandments for wives,” *Global Times*, June 23, 2014, <http://www.globaltimes.cn/content/867105.shtml>; All-China Women’s Federation, “Henan Women's Federation Launches Social Morality Lectures,” *Global Times*, August 27, 2013 <http://www.womenofchina.cn/womenofchina/html/news/action/15/2159-3.htm>; ACWF, “Henan Holds Women's Morality, Traditional Culture Forum,” April 12, 2013, <http://www.womenofchina.cn/womenofchina/html/news/action/15/5993-1.htm>; One school in Dongguan City in Guangdong Province was ordered to stop offering the “women’s morality” classes in 2014, but only following widespread public outrage, and there has been no central approach to shutting down classes that promote antiquated stereotypes on the role of women. Dongguan City Government News Department, “Mengzheng School ‘Women’s Virtue Classes’ Ordered to Stop” (蒙正国学馆“女德班”已被责令停办), September 25, 2014, <http://www.dg.gov.cn/cndg/s35957/201409/798477.htm>.

¹⁹ CEDAW, Concluding observations on the combined seventh and eighth periodic reports of China, paras. 24-25.

²⁰ UN Office of the High Commissioner for Human Rights (OHCHR), “Preliminary Observations and Conclusions of the Working Group on the issue of discrimination against women in law and in practice: End Visit to the People’s Republic of China from 12 to 19 December 2013,” December 19, 2013, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14129&LangID=E>; see also, UN Human Rights

Council, “Report of the Working Group on the issue of discrimination against women in law and in practice - Mission to China,” June 12, 2014, A/HRC/26/39/Add.2.

²¹ Committee on Economic, Social and Cultural Rights (CESCR), Concluding observations on the second periodic report of China, including Hong Kong, China and Macao, May 2014, CESCR/E/C.12/CHN/2, para 16.

²² CEDAW, Concluding observations on the combined seventh and eighth periodic reports of China, para 37.

²³ Ibid. para. 10

²⁴ The latest comprehensive data is from 2011. All-China Women’s Federation (ACWF) and China National Bureau of Statistics, “Report on Major Results of the Third Wave Survey on The Social Status of Women in China” (第三期中国妇女社会地位调查主要数据报告).

²⁵ People’s Republic of China Anti-Domestic Violence Law (中华人民共和国反家庭暴力法), 2015, http://news.xinhuanet.com/legal/2015-12/27/c_128571791.htm.

²⁶ The definition of domestic violence is contained in Article 2 of the Law: “Domestic violence as used in this Law refers to physical, psychological or other infractions between family members effected through the use of methods such as beatings, restraints, maiming, restrictions on physical liberty as well as recurrent verbal abuse or intimidation.”

²⁷ “An Investigative Report on Anti-Domestic Violence Law Implementation,” 《反家庭暴力法》实施情况调研报告 Beijing Yuanzhong Gender Development Center, Beijing Weiping Women’s Organization, Beijing Tongyu, and Guangzhou New Media Feminism, March 15, 2017, <https://zhuanlan.zhihu.com/p/25781138> and https://mp.weixin.qq.com/s/s6wP1cNkS8VK7OGImwV_9Q According to the NPC Standing Committee spokesperson, the reason the law excludes homosexual couples is because “in China we have never discovered violence in homosexual relationships.” *China Daily*, “Anti-Domestic Violence “Persons Living Together” Provision does not Cover Homosexuals” (反家暴法中“共同生活人”不包括同性恋), December 27, 2015, http://www.chinadaily.com.cn/micro-reading/china/2015-12-27/content_14436421.html.

²⁸ *People’s Daily*, “Anhui Issues First Personal Protection Order to a Man,” September 9, 2016, <http://www.womenofchina.cn/womenofchina/html/features/rights/1609/1085-1.htm>;

²⁹ Some participants at a seminar on the domestic violence law held in June 2016 at the Chinese Institute of Applied Jurisprudence called for public security organs to enforce the personal safety protection orders, not the courts. *China Women’s News*, “Legal Experts Call on Public Security Organs to Execute Personal Protection Orders,” July 20, 2016, <http://www.womenofchina.cn/womenofchina/html/news/china/1607/1904-1.htm>.

³⁰ Depending on the seriousness, ranging from a small fine of no more than 1,000 RMB (approx. 150 USD) or a maximum 15-day detention. ADV Law, Art. 34.

³¹ State media reported that, in October 2016, police issued an administrative penalty against a woman after she called police to report an incident of domestic violence. Police questioned the woman in front of her husband until she withdrew the complaint, and then penalized her for “filing a false report.” *China News*, “Woman Reports False Claim of Domestic Violence, Police Late at Night Diffuse Dispute” (女子报警谎称家暴 民警深夜化解纠纷), October 21, 2016, <http://www.hb.chinanews.com/news/2016/1021/262600.html>.

³² “An Investigative Report on Anti-Domestic Violence Law Implementation,” *ibid*.

³³ CESCR, Concluding observations on the second periodic report of China, including Hong Kong, China and Macao, para 27.

³⁴ CEDAW, Concluding observations on the combined seventh and eighth periodic reports of China, para. 27.

³⁵ Information Office of the State Council, Action Plan for Fighting Human Trafficking of the State Council of the People’s Republic of China, (2013-2020), (国务院办公厅关于印发中国反对拐卖人口 行动计划 (2013-2020 年), http://www.gov.cn/zwgc/2013-03/08/content_2349019.htm); The Action Plan is officially intended to address efforts to amend anti-trafficking law, improve interagency and international cooperation, boost anti-trafficking investigations, develop anti-trafficking awareness campaigns, and enhance victim protection services. Both local and central authorities have funded activities outlined in the plan; for instance, the Ministry of Public Security in 2015 contributed 55 million RMB (approx. 8.5 million USD) for local law-enforcement efforts and anti-trafficking campaigns. US Department of State, 2016 Trafficking in Persons Report, pp. 130-1, <http://www.state.gov/documents/organization/258876.pdf>.

³⁶ CEDAW, Concluding observations on the combined seventh and eighth periodic reports of China, para. 28.

³⁷ The US State Department, “2017 Trafficking in Persons Report,” <https://www.state.gov/documents/organization/271341.pdf>, p. 126.

³⁸ CHRD, Report Submitted to UN Committee on the Elimination of Discrimination Against Women, September 2014, para.18, <https://www.nchrd.org/2014/10/report-submitted-to-un-committee-on-the-elimination-of-discrimination-against-women-september-2014/>.

³⁹ World Economic Forum, “Global Gender Gap Report (2017)” http://www3.weforum.org/docs/WEF_GGGR_2017.pdf, p. 17.

⁴⁰ Article 240 of China’s Criminal Law stipulates that: Whoever abducts and traffics in a woman or child shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; if he falls under any of the following categories, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined or sentenced to confiscation of property; if the circumstances are especially serious, he shall be sentenced to death and also to confiscation of property: (1) being a ringleader of a gang engaged in abducting and trafficking in women and children; (2) abducting and trafficking in three or more women and/or children; (3) raping the woman who is abducted and trafficked; (4) enticing or forcing the woman who is abducted and trafficked to engage in prostitution, or selling such woman to any other person who would force her to engage in prostitution; (5) kidnapping a woman or child by means of violence, coercion or anaesthesia for the purpose of selling the victim; (6) stealing a baby or an infant for the purpose of selling the victim; (7) causing serious injury or death to the woman or child who is abducted and trafficked in or to her or his relatives or any other serious consequences; or (8) selling a woman or a child out of the territory of China. By abducting and trafficking in a woman or child is meant any of the following acts: abducting, kidnapping, buying, trafficking in, fetching, sending, or transferring a woman or child, for the purpose of selling the victim. Criminal Law of the People’s Republic of China (中华人民共和国刑法), (1979, amended 2015), http://www.china.com.cn/policy/txt/2012-01/14/content_24405327_16.htm.

⁴¹ Article 3 (a), Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 2000, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>.

⁴² Data on criminal punishments for human traffickers provided by the Chinese government are believed to be incomplete. Also, such statistics may not accurately reflect “trafficking” offenses based on international standards for such crimes (i.e., the purpose of such acts include exploitation through sex trafficking or forced labor). The government reported that it had arrested 1,932 alleged traffickers in 2015, compared with 194 that it had reported the year prior, and that government authorities had prosecuted 284 cases of sex trafficking and forced labor involving 486 suspected traffickers. In 2015, the government reported convicting 642 sex traffickers and 72 labor traffickers, compared with 35 total trafficking convictions in 2014. The statistics the government provided include data on other crimes, including the abduction and sale of women and children, for which the nexus to human trafficking was unclear. The Chinese government reported investigating 637 cases involving women and 756 cases involving children abducted and sold in 2015, 670 prosecutions involving 1,195 suspects, and the conviction of 1,362 perpetrators for the abduction and sale of women and children. US Department of State, 2016 Trafficking in Persons Report, p. 131, <http://www.state.gov/documents/organization/258876.pdf>.

⁴³ CHRD, Report Submitted to UN Committee on the Elimination of Discrimination Against Women – September 2014, paras. 16-17.

⁴⁴ According to the US Department of State, 2017 Trafficking in Persons Report, the government continued to provide some law enforcement data; it reported investigating 1,004 trafficking cases (1,414 in 2015) and convicting 1,756 traffickers (2,076 in 2015) in 2016.

⁴⁵ US Department of State, 2016 Trafficking in Persons Report, p. 132, <http://www.state.gov/documents/organization/258876.pdf>.

⁴⁶ CEDAW, Information received from China on follow-up to the concluding observations, January 10, 2017, para. 4.

⁴⁷ Jiamusi Women’s Net, “‘All-China Women’s Federation Legal Aid Action’ Project Administrative Measures (Provisional)” (“中国妇女法律援助行动”项目管理办法(暂行)) March 7, 2014, <http://www.jmsfnw.org/article/list/view/id/143>.

⁴⁸ RDN, “Announcement of Authorities’ Forced Closure of Chinese Women’s Rights NGO ‘Zhongze Women’s Legal Counseling Service Center’” (中国女权NGO“众泽妇女法律咨询服务中心”遭当局强迫宣告解散), January 29, 2016, <http://wqw2010.blogspot.com/2016/01/ngo.html>.

⁴⁹ For example, in February 2016, authorities forced the closure of the Beijing Zhongze Women’s Legal Counseling Service Center, which for over two decades had provided legal assistance to women in tens of thousands of cases. The group’s shutdown, according to China’s State media, was due to a government investigation into suspected funding from the overseas-based Ford Foundation. CHRD, “They Target My Human Rights Work as a Crime”: Annual Report on the Situation of Human Rights Defenders in China (2016), pg. 21, <https://www.nchrd.org/wp-content/uploads/2017/02/They-Target-My-Human-Rights-Work-As-a-Crime-CHRD-Report-on-the-Situation-of-Chinese-Human-Rights-Defenders-2016.pdf>.

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- ⁵⁰ CHRD, “UN Women: Press China to Protect, Not Persecute, Women Rights Defenders,” September 16, 2015, <https://www.nchrd.org/2015/09/un-women-press-china-to-protect-not-persecute-women-rights-defenders/>; CHRD, “Help Free Chinese Women HRDs on International Women’s Day, March 8, 2016, <https://www.nchrd.org/2016/03/help-free-chinese-women-hrds-on-international-womens-day/>.
- ⁵¹ CHRD interview, June 2017. BBC, “China’s Feminist Movement: How Far Can They Go?” (中国女权运动: 她们还能走多远?), September 26, 2017, <http://www.bbc.com/zhongwen/simp/chinese-news-41406010>.
- ⁵² *The New York Times*, “China Raids Offices of Rights Group as Crackdown on Activism Continues,” March 26, 2015, <https://www.nytimes.com/2015/03/27/world/asia/china-raids-offices-of-rights-group-as-crackdown-on-activism-continues.html>.
- ⁵³ See, for example: Radio Free Asia (RFA), “First non-governmental legal fund announces cessation of operations after passage of China’s ‘Charity Law,’” (中国《慈善法》通过后首个民间法律基金宣布停止运行), March 18, 2016, <http://www.rfa.org/mandarin/yataibaodao/renquanfazhi/yf2-03182016100921.html>.
- ⁵⁴ CEDAW, Information received from China on follow-up to the concluding observations, January 10, 2017, item 3, para. 8.
- ⁵⁵ Election Law of the National People’s Congress and Local People’s Congresses at All Levels of the People’s Republic of China (授权发布: 中华人民共和国全国人民代表大会和地方各级人民代表大会选举法), (1979, amended 2015), http://news.xinhuanet.com/legal/2015-08/30/c_128180126.htm.
- ⁵⁶ United Nations Economic and Social Council, “United Nations Targets for Proportion of Women in Leadership and Decision-Making Positions” (Information Paper), <http://www.legco.gov.hk/yr02-03/english/panels/ha/papers/ha0314cb2-1636-1e.pdf>; China’s National Program for Women’s Development (2011-2020), <http://www.womenofchina.cn/womenofchina/html1/source/1502/998-1.htm>; National Bureau of Statistics, “2014 Statistical Report on the Implementation of ‘China’s National Program for Women’s Development (2011-2020)’” (2014年《中国妇女发展纲要(2011-2020年)》实施情况统计报告), November 27, 2015, Chap. 4 Sec. 4, http://www.stats.gov.cn/tjsj/zxfb/201511/t20151127_1282257.html.
- ⁵⁷ Ms. Li Bin (李斌) has been Director of the Health and Family Planning Commission since 2013, the year the body was created, and Ms. Hu Zejun (胡泽君), who took office in April 2017, is Auditor General of the Audit Commission. See: Central People’s Government of the People’s Republic of China (中华人民共和国中央人民政府), <http://www.gov.cn/guowuyuan/index.htm>.
- ⁵⁸ Brookings, “Status of China’s women leaders on the eve of 19th Party Congress,” March 30, 2017, <https://www.brookings.edu/opinions/status-of-chinas-women-leaders-on-the-eve-of-19th-party-congress/>.
- ⁵⁹ National Bureau of Statistics, “Number of Deputies to All the Previous National People’s Congresses,” China Statistical Yearbook 2014, Table 24–1, <http://www.stats.gov.cn/tjsj/ndsj/2014/indexeh.htm>.
- ⁶⁰ National Bureau of Statistics, “2014 Statistical Report on the Implementation of the ‘China Women’s Development Plan 2011-2020’” (2014年《中国妇女发展纲要(2011-2020年)》实施情况统计报告).
- ⁶¹ Since the 7th National People’s Congress, each NPC’s last session has passed a decision prescribing various requirements for electing delegates to the next NPC. NPC Observer, “More Women, Fewer Cadres: A Preview of Next NPC’s Composition,” March 16, 2017, <https://npcobserver.com/2017/03/16/more-women-fewer-cadres-a-preview-of-next-npcs-composition/>.
- ⁶² “Decision of the 5th Session of the 12th National People’s Congress on the Representation and Election of the 13th National People’s Congress” (第十二届全国人民代表大会第五次会议关于第十三届全国人民代表大会代表名额和选举问题的决定), March 15, 2017, http://www.npc.gov.cn/npc/xinwen/2017-03/15/content_2018912.htm.
- ⁶³ Articles 15, Organic Law on Villagers Committees of the People’s Republic of China (中华人民共和国村民委员会组织法), 2010 (amended), http://www.gov.cn/flfg/2010-10/28/content_1732986.htm. Article 9 in the Organic Law, promulgated in 1998, only set out that the committees “shall include an appropriate number of women” (see: http://www.npc.gov.cn/englishnpc/Law/2007-12/11/content_1383542.htm).

⁶⁴ National Bureau of Statistics, “2014 Statistical Report on The Implementation of the ‘China Women’s Development Plan 2011-2020’” (2014年《中国妇女发展纲要(2011-2020年)》实施情况统计报告), November 27, 2015, Chap. 4 Sec. 4; People’s CPPCC Net, “Village Committee End of Term Elections Should Raise the Percentage of Women,” (村委会换届选举应提高女性比例), March 3, 2014, <http://epaper.rmzxb.com.cn/detail.aspx?id=331957>.

⁶⁵ RDN, “China Election Monitor (2015), No. 4, Discrimination Against Women in Government-Led Village Election in Anxin County, Baoding City, Hebei” (中国选举观察(2015)之四——河北保定安新县政府指导的村官选举歧视妇女(图)(之二)), April 6, 2015, http://wqw2010.blogspot.ca/2015/04/2015_6.html; RDN, “China Election Monitor (2014), No. 63, Discrimination Against Women in Government-Led Election in Quanzhou County, Guilin City, Guangxi” (中国选举观察(2014)之六十三——广西桂林全州县政府指导的村官选举歧视妇女), February 15, 2015, http://wqw2010.blogspot.ca/2015/02/2014_15.html; RDN, “China Election Monitor (2014) No. 60, Discrimination Against Women in Government-Led Village Official Election in Ye County, Henan” (中国选举观察(2014)之六十——河南省叶县政府指导的村官选举歧视妇女), January 25, 2015, http://wqw2010.blogspot.ca/2015/01/2014_25.html.

⁶⁶ Information Office of the State Council of the People’s Republic of China, National Human Rights Action Plan (2016-2020), Item 3(2), September 29, 2016, http://news.xinhuanet.com/politics/2016-09/29/c_129305934_7.htm.

⁶⁷ People’s CPPCC Net, “Village Committee End of Term Elections Should Raise the Percentage of Women” (村委会换届选举应提高女性比例), March 3, 2014, <http://www.rmzxb.com.cn/2014qglh/hsy/zz/300930.shtml>.

⁶⁸ “Urban resident committees” were formerly called “neighborhood committees.” Asian Development Bank, “Country Gender Assessment: People’s Republic of China,” December 2006, pg. 54, <http://www.adb.org/sites/default/files/institutional-document/32230/cga-prc.pdf>.

⁶⁹ National Bureau of Statistics, “2014 Statistical Report on The Implementation of the ‘China Women’s Development Plan 2011-2020’” (2014年《中国妇女发展纲要(2011-2020年)》实施情况统计报告), November 27, 2015, Chap. 4 Sec. 4.

⁷⁰ New York Times, “Beijing’s Retirees Keep Eye Out for Trouble During Party Congress,” March 15, 2013, <http://www.nytimes.com/2013/03/16/world/asia/neighborhood-committees-keep-watch-over-beijing-during-peoples-congress.html>

⁷¹ CEDAW, Information received from China on follow-up to the concluding observations, January 10, 2017, para. 12.

⁷² International Campaign for Tibet, “New conditions for Village Committees candidates exclude Tibetans who ‘secretly’ hold sympathy for the ‘Dalai Clique,’” September 25, 2014, <https://www.savetibet.org/new-conditions-for-village-committees-candidates-exclude-tibetans-who-secretly-hold-sympathy-for-the-dalai-clique/>.

⁷³ CHRD interview, May 2017.

⁷⁴ Research conducted by Chinese activists in 2017. The following is a fuller breakdown of regional-level CCP committee members and/or in government positions (chairpersons and vice chairpersons) in China’s five ethnic autonomous regions: *Xinjiang* - Standing Committee of the CCP 9th Session: 15 total members, no ethnic minority females; Committee Representatives of the CCP 8th Session: 26 total, no ethnic minority females; and Government: 10 total, no ethnic minority females; *TAR* - Standing Committee of CCP 9th Session: 16 total, no ethnic minority females; Committee Members of the CCP 9th Session: six total, no ethnic minority females; and Government: 14 total, one ethnic minority female (vice chair); *Inner Mongolia* - Standing Committee of the CCP 10th Session: 13 total, one ethnic minority female (vice secretary); and Government: nine total, two ethnic minority females; *Guangxi* - Standing Committee of the CCP 11th Session: 15 total, one ethnic minority female; Government: nine total, no ethnic minority females; *Ningxia* - Standing Committee of the CCP 12th Session: 12 total, one ethnic minority female; Government: eight total, one ethnic minority female.

⁷⁵ The Chinese government also did not provide relevant and specific data on ethnic minority women’s political participation in its January 2017 report submitted to the Committee on the Elimination of Racial Discrimination (CERD). The most recent instance of China providing any such data to a UN treaty body was in January 2012, in the government’s report to CEDAW, which included some totals and proportions of ethnic minority women in the NPC, CPPCC, and local governments, but only as of 2008-09. CEDAW, Combined Seventh and Eighth Periodic Report of States Parties – China, Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, January

20, 2012, CEDAW/C/CHN/7-8, para. 132, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCHN%2f7-8&Lang=en.

⁷⁶ CHRD interviews, May 2017. In preparing this submission, researchers decided not to file requests to try to obtain disaggregated data on ethnic minority women's representation. Such requests can be made through China's Open Government Information (OGI) system, a State channel provided for citizens to seek data that has not been made public. The main reason requests were not filed is that applicants may be vulnerable to retaliation by authorities. Chinese citizens who have previously sought data through the OGI system, such as prior to China's 2015 review by the Committee against Torture, were interrogated, harassed, and detained by police in retaliation. The risk of reprisal has only increased in China's current political climate. For more information, see: CHRD, "NGO Mid-Term Assessment Report of China's 2nd Universal Periodic Review," pg. 63, November 2016.

⁷⁷ National Security Law of the People's Republic of China, July 2015, http://news.xinhuanet.com/legal/2015-07/01/c_1115787801_3.htm. For a general analysis of current conditions for religious expression by Tibetans and Uyghurs, see: CHRD, "NGO Mid-Term Assessment Report of China's 2nd Universal Periodic Review," pgs. 49-52, November 2016.

⁷⁸ Sina.com, "Xinjiang introduces new regulations: parents prohibited from forcing children to participate in religion" (新疆出台新规: 禁止家长诱导强迫孩子参加宗教), October 13, 2016, <https://news.sina.cn/gn/2016-10-13/detail-ixwvpaq1123464.d.html?vt=4&pos=108>; CHRD, *China Human Rights Briefing October 14-20, 2016*, <https://www.nchr.org/2016/10/chrb-anti-corruption-activist-imprisoned-police-put-down-mass-environmental-protests-in-xian-1014-20-2016/>.

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⁸⁷ According to China's official media, the number of Muslims permitted by the government to make the hajj pilgrimage has greatly expanded over the past two decades. *China Daily*, "14,500 Chinese make Hajj pilgrimage," August 20, 2016, http://news.xinhuanet.com/english/2016-08/20/c_135617890.htm.

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⁹⁰ *Hong Kong Free Press*, “Xinjiang woman detained for sharing praise for Allah on social media – reports,” May 10, 2017, <https://www.hongkongfp.com/2017/05/10/xinjiang-woman-detained-sharing-praise-allah-social-media-reports/>; RFA, “Xinjiang Uyghur girl forwards Allah image, detained on ‘terrorism’ charge” (新疆一维族姑娘转发真主安拉照片 被以涉“暴恐”罪名抓捕), May 9, 2017, http://www.rfa.org/mandarin/yataibaodao/shehui/xl2-05092017103744.html?utm_content=bufferc38ff&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer.

⁹¹ China Tibet net, “Experts at Two Meetings: State Management of Tibetan Buddhist Temples Enter New Era” (两会专家谈：国家对藏传佛教寺庙的管理进入新时代), March 20, 2017, http://fo.ifeng.com/a/20170320/44557279_0.shtml?writingModule=1_29_18 This article said that, due to the implementation of such control, there had not been any anti-government Tibetan protests like those in March 2008.

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⁹³ Xinhua, “Tibet Dispatches More Than 60,000 Cadres to the Grassroots Over Two Years, the Most Extensive Such Project in 60 Years” (西藏两年选派逾 6 万干部下基层 为 60 年来最大规模), September 10, 2013. According to the article, since October 2011, “more than 60,000 cadres” had been sent to the TAR’s “5,459 villages and 1,877 temples.” http://news.xinhuanet.com/local/2013-09/10/c_117310416.htm;

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